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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/705,470 | 11/10/2003 | Robert L. Fair | 112056-0123 | 5732 |

24267 7590 10/20/2006
CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

EXAMINER

WALTER, CRAIG E

ART UNIT PAPER NUMBER

.2188

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
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10/705,470

11/10/03

Fair, R.

112056-0123

EXAMINER

C. Walter

ART UNIT

PAPER

2188

20061010

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment attached.

Craig E Walter
Examiner AU 2188

Response to Amendment

1. The reply filed on 1 August 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

According to MPEP § 714.02, "The requirements of 37 CFR 1.111(b) must be complied with by pointing out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims (emphasis added) and amendments". With respect to the newly added claims, Applicant's arguments fail to comply with 37 CFR 1.111(b) because no arguments were set forth in support of their patentability over the previously cited art of record. Additionally, the amendment is held not fully responsive since Applicant has failed to address each and every rejection with either an amendment to the claims and/or specific arguments supporting a traversal. More specifically, Examiner previously set forth a rejection against claim 1 under § 112, second paragraph, however Applicant has not explicitly addressed this rejection either through remarks, or by amending the claim.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

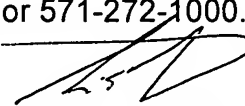
Art Unit: 2188

Conclusion

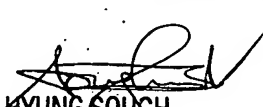
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig E. Walter whose telephone number is (571) 272-8154. The examiner can normally be reached on 8:30a - 5:00p M-F.

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Craig E Walter
Examiner
Art Unit 2188

CEW


HYUNG SOUGH
SUPERVISOR, EXAMINER